IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 3RD DECEMBER 2007 / 12TH AGRAHAYANA 1929

Bail Appl..No. 7083 of 2007()

CRIME 412/07 OF MEDICAL COLLEGE POLICE STATION, KOZHIKODE

PETITIONERS/ ACCUSED:

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1. SHYJU.O., VADAKKUMPATTA PARAMBU,
   GOVINDAPURAM P.O., CALICUT-16 (A1)

2. RAJESH @ UNNI,
   CHANAMMANI HOUSE, THEKKEPPAT, GOVINDAPURAM,
   CALICUT-16 (A2)

3. RAJESH P., ERAVATHMEETHAL,
   KOMMERI P.O., CALICUT-7 (A3)

BY ADV. SRI.KRISHNADAS P. NAIR

RESPONDENTS:

STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 7083 OF 2007 A

Dated this the 3rd day of December, 2007

O R D E R

Application for anticipatory bail. The petitioners are accused Nos.1 to 3. They face allegations under section 326 IPC.

2. The learned counsel for the petitioners submits that the allegations are totally false. The allegation under section 326 IPC is at any rate, not justified at all. That is the only non-bailable offence alleged against the petitioner. The allegation under section 326 IPC has been included lightly without taking note of the fact that the victim has not suffered any grievous hurt. The petitioner may, hence, be granted anticipatory bail, it is prayed.

3. Notice was given to the learned Public Prosecutor. The learned Public Prosecutor has drawn my attention to the wound certificates. There is nothing to indicate the injury suffered by any of the victims was grievous injury.

4. I do, in these circumstances, find merit in the prayer for anticipatory bail and I am satisfied that the petitioner can be granted anticipatory bail subject to appropriate terms and

conditions.

5. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioner.

i) Petitioner shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 10.12.2007. He shall be released on regular bail on condition that he executes a bond for Rs.25,000/-(Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 1 p.m on 11.12.2007 and 12.12.2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period of one month and subsequently as and when directed by the investigating officer in writing to do so.

(iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law, as if these

directions were not issued at all.

(iv) If he were arrested prior to 10.12.2007, he shall be released from custody on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 10.12.2007.

(R.BASANT, JUDGE)

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